# UNITED STATES PATENT AND TRADEMARK OFFICE

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| 10/038,527 | 01/02/2002 | Harry N. Gottlieb | 10342/13 | 6034 |

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| ART UNIT | PAPER NUMBER |
|---|---|
| 2174 | |

DATE MAILED: 10/27/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

| | Application No. | Applicant(s) |
|---|---|---|
| **Office Action Summary** | 10/038,527 | GOTTLIEB ET AL. |
| | Examiner | Art Unit | |
| | Ryan F. Pitaro | 2174 | |

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1)☒ Responsive to communication(s) filed on *11 July 2005*.

2a)☒ This action is **FINAL**.     2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4)☒ Claim(s) *1-31 and 65-88* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-31 and 65-88* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

**Application Papers**

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

        1.☐ Certified copies of the priority documents have been received.

        2.☐ Certified copies of the priority documents have been received in Application No. _____.

        3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____.

## DETAILED ACTION

1. Claims 1-31 and 65-88 have been examined.

### *Response to Amendment*

2. This communication is responsive to Amendment A filed 7/11/2005. This action is

Final.

### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. Claims 1-10,13-15,19-26,28-31,65-69,72-75,78-81 are rejected under 35 U.S.C.

103(a) as being unpatentable over MacLennan ("MacLennan", US 5,893,105) in view of

Bowers et al ("Bowers", US 5,546,529).

As per independent claim 1, MacLennan discloses a method for identifying cells

in a path in a flowchart, the method comprising (a) displaying a flowchart comprising a

plurality of cells (Figure 1) (b) selecting a cell in the flowchart (Column 5 lines 46-50); (c)

determining a path comprising the selected cell (Column 5 lines 46-50); and (d)

identifying at least some of the cells in the path (Column 5 lines 52-56). MacLennan fails

to teach receiving a selection from a user and highlighting the path which distinguishes

the at least some of the cells in the path from at least some other cells. However,

Bowers teaches receiving, from a user a selection of a cell, and identifying to the user a path in a way that distinguishes the at least some of the cells in the path from at least some of the other cells that are not in the path (Column 8 lines 15-37). Therefore it would have been obvious to an artisan at the time of the invention to combine the path highlighting teaching of Bowers with the method of MacLennan. Motivation to do so would have been to provide a quick way of notifying the user of which cells are in the path.

As per claim 2, which is dependent on claim 1, MacLennan-Bowers discloses a method wherein (c) comprises determining a last selected path comprising the selected cell (Column 11 lines 17-27; *determines progressed path*).

As per claim 3, which is dependent on claim 1, MacLennan-Bowers discloses a method wherein (c) comprises determining a most-frequently selected path comprising the selected cell (Column 11 lines 17-27; *determines progressed path*).

As per claim 4, which is dependent on claim 1, MacLennan-Bowers discloses a method where3in (c) comprises randomly determining a path comprising the selected cell (Column 6 lines 1-5; *wherein all weights are even*).

As per claim 5, which is dependent on claim 1, MacLennan-Bowers discloses a method wherein (c) comprises semi-randomly determining a path comprising the selected cell (Column 6 lines 1-5; *based on weight*).

As per claim 6, which is dependent on claim 1, MacLennan-Bowers discloses a method wherein the flowchart comprises a beginning cell and an end cell, and wherein

the path determined in (c) comprises the beginning and end cells (Column 11 lines 17-24).

As per claim 7, which is dependent on claim 1, MacLennan-Bowers discloses a method wherein the flowchart comprises a beginning cell and an end cell, and wherein the path determined n (c) does not comprise at least one of the beginning and end cells (Column 11 lines 22-25; *starting shape and end shape not having to be the first of last cell*).

As per claim 8, which is dependent on claim 1, MacLennan-Bowers discloses a method wherein the path determined in (c) comprises at least one of a beginning cell and an end cell, and wherein the at least some of the cells identified in (d) comprise the at least one of the beginning and end cells (Column 11 lines 17-24; *wherein all cells in path are included*).

As per claim 9, which is dependent on claim 1, MacLennan-Bowers discloses a method wherein the path determined in (c) comprises at least one of a beginning cell and an end cell, and wherein the at least some of the cells identified in (d) do not comprise the at least one of the beginning and end cells (Column 11 lines 22-25).

As per claim 10, which is dependent on claim 1, MacLennan-Bowers discloses a method wherein the at least some of the cells are identified in (d) by displaying the at least some of the cells differently from other cells in the flowchart (Column 3 lines 44-49).

As per claim 13, which is dependent on claim 1, MacLennan-Bowers discloses a method wherein (d) comprises identifying at least four cells in the path (Column 11 lines 17-24).

As per claim 14, which is dependent on claim 1, MacLennan-Bowers discloses a method wherein (d) comprises identifying all of the cells in the path (Column 11 lines 17-24).

As per claim 15, which is dependent on claim 1, MacLennan-Bowers n discloses a method wherein the at least some of the cells are identified in (d) by highlighting the at least some of the cells in the flowchart (Column 3 lines 44-50).

As per claim 19, which is dependent on claim 1, MacLennan-Bowers discloses a method wherein (b) comprises selecting only a single cell in the flowchart (Bowers, Column 8 lines 23-37).

As per claim 20, which is dependent on claim 1, MacLennan-Bowers discloses a method further comprising selecting at least one additional cell in the flowchart and wherein (c) comprises determining a path comprising the selected cell and the at least one additional cell (Column 5 lines 46-49).

As per claim 21, which is dependent on claim 1, MacLennan-Bowers discloses a method wherein the selected cell comprises a master cell, and wherein (c) comprises determining a path between the master cell and the at least one additional cell (Column 5 lines 5-10,46-49).

As per claim 22, which is dependent on claim 1, MacLennan-Bowers discloses a method further comprising: determining N additional paths comprising the selected cell;

and identifying at least some of the cells in each of the N additional path(s) (Column 11 lines 17-27).

As per claim 23, which is dependent on claim 1, MacLennan-Bowers discloses a method wherein the first-mentioned path and the N additional path(s) comprise the last N+1 selected paths comprising the selected cell (Column 11 lines 17-27; *a list of paths, which have been progressed*).

As per claim 24, which is dependent on claim 1, MacLennan-Bowers discloses a method further comprising (e) selecting an additional cell in the flowchart (Column 11 lines 22-26; *ending shape*) (f) determining a path comprising the selected additional cell (Column 11 lines 20-21; and (g) identifying at least some of the cells in the path determined in (f) along with the at least some of the cells in the path determined in (d) (Column 11 lines 17-20; *shapes*).

As per claim 25, which is dependent on claim 1, MacLennan-Bowers discloses a method wherein (c) comprises determining a plurality of paths comprising the selected cell, wherein the invention further comprises selecting one of the plurality of determined paths and wherein (d) comprises identifying at least some of the cells in the selected one of the plurality of determined paths (Column 11 lines 17-27; *list of paths, list of shapes for each entity*).

As per claim 26, which is dependent on claim 1, MacLennan-Bowers discloses a method wherein the plurality of paths comprises every path comprising the selected cell (Column 11 lines 17-27; *list of paths, list of shapes for each entity*).

As per claim 28, which is dependent on claim 1, MacLennan-Bowers discloses a method wherein at least one of the plurality of cells comprises an instruction to trigger a piece of media (Column 4 lines 2-6).

As per claim 29, which is dependent on claim 1, MacLennan discloses a method wherein at least one of the plurality of cells comprises an instruction to gather user input (Column 3 lines 59-61).

As per claim 30, which is dependent on claim 1, MacLennan-Bowers discloses a method wherein at least one of the plurality of cells comprises an instruction to process data (Column 4 lines 8-11).

As per claim 31, which is dependent on claim 1, MacLennan-Bowers discloses a method further comprising playing the flowchart, wherein the cell selected in (b) comprises a cell selected by a user during the playing of the flowchart, and wherein the path determined in (c) comprises the path that was traversed during the playing of the flowchart (Column 14 lines 5-11).

As per claim 65, MacLennan-Bowers discloses a method for identifying cells in a path in a flowchart, the method comprising: (a) displaying a flowchart comprising a plurality of cells, wherein the plurality of cells define a plurality of paths (Figure 1); (b) receiving, from a user, a selection of a single cell in the flowchart (Column 5 lines 46-50); (c) in response to the selection of the single cell in the flowchart, determining a path comprising the single cell (Column 5 lines 46-50); and (d) identifying, to the user, at least some of the cells in the path determined in (c) (Column 5 lines 52-56) in a way that

distinguishes the at least some cells in the path from at least some of the other cells in the flowchart that are not in the path (Bowers, Column 8 lines 15-37)

As per claim 66, which is dependent on claim 65, MacLennan-Bowers discloses a method wherein the user selects the single cell by positioning a pointer over the single cell (Column 8 lines 62-67).

As per claim 67, which is dependent on claim 65, MacLennan-Bowers discloses a method wherein the path is determined in (c) based on the history of the single cell and the history of cells above and below it, if any, in succession (Column 5 lines 61-65; *according to other operations executed using flowcharts*).

As per claim 68, which is dependent on claim 65, MacLennan-Bowers discloses a method wherein (c) comprises, starting with the single cell being a given cell: (c1) determining which cell directly connected to the given cell was in a determined path the last time the given cell was in a determined path (Column 5 lines 61-65); and (c2) repeating (c1) with the given cell being the cell determined in (c1) (Column 6 lines 5-11).

As per claim 69, which is dependent on claim 65, MacLennan-Bowers discloses a method wherein the at least some of the cells are identified in (d) by displaying the at least some of the cells differently from the at least some of the other cells in the flowchart (Bowers, Column 8 lines 15-37).

Claim 72 is similar in scope to that of claim 65 and is therefore rejected under similar rationale.

Claims 73,78, and 81 are individually similar in scope to that of claim 68 and are

therefore rejected under similar rationale.

Claims 74 and 79 are individually similar in scope to that of claim 66 and are

therefore rejected under similar rationale.

Claim 75 is similar in scope to that of claim 69 and is therefore rejected under

similar rationale.

Claim 80 is similar in scope to that of claim 67 and is therefore rejected under

similar rationale.

4.      Claims 82-86 are rejected under 35 U.S.C. 103(a) as being unpatentable over

allClear ("allClear", Information Disclosure Statement) in view of Rochford et al

("Rochford", US 6,654,803).

As per independent claim 82, allClear discloses a method for building a flowchart

along a single path, the method comprising:(a) displaying a flowchart in a first display

region, wherein the flowchart comprises a plurality of cells defining a plurality of paths

(Figure 6 item 20);(b) displaying a textual view of cells along a single path in the

flowchart in a second display region, wherein a textual view of cells not along the single

path in the flowchart are not displayed in the second display region (Figure 6 item 25);

and (c) in response to input received in the second display region, applying the input to

the first display region (Page 3 lines 12-20). However, allClear fails to distinctly point out

simultaneously receiving input from a second region while the second region displays the textual view of the at least some of the cells along the single path in the flowchart. Rochford teaches simultaneously receiving input from a second region while the second region displays the textual view of the at least some of the cells along the single path in the flowchart (Figure 8, Column 18 lines 28-38). Therefore it would have been obvious to an artisan at the time of the invention to combine the teaching of Rochford with the method of allClear. Motivation to do so would have been to provide a user with clear correspondence of the two panels.

As per claim 83, which is dependent on claim 82, allClear-Rochford discloses a method wherein (c) comprises in response to adding new text in the second display region, creating a new cell in the flowchart in the first display region (allClear, Page 3 lines 15-18).

As per claim 84, which is dependent on claim 82, allClear-Rochford discloses a method wherein (c) comprises in response to deleting existing text in the second display region, deleting a corresponding existing cell in the flowchart in the first display region (allClear, Page 4 lines 15-20; *wherein simultaneously working windows will mimic each others actions*).

As per claim 85, which is dependent on claim 82, allClear-Rochford discloses a method wherein (c) comprises in response to modifying existing text in the second display region, modifying a corresponding existing cell in the flowchart in the first display region (allClear, Page 4 lines 15-20).

As per claim 86, which is dependent on claim 82, allClear-Rochford f teaches a

method comprising determining the single path in response to receiving, from a user, a

selection of a single cell in the flowchart (Rochford, Figure 8, Column 18 lines 28-38).

5.      Claims 11,70,76 are rejected under 35 U.S.C. 103(a) as being unpatentable over

MacLennan ("MacLennan", US 5,893,105) and Bowers et al ("Bowers", US 5,546,529)

in view of allClear ("allClear", Information Disclosure Statement).

As per claim 11, which is dependent on claim 1, MacLennan-Bowers fails to

distinctly point out a second display region for viewing cells. However, allClear teaches

a method wherein the flowchart is displayed in a first display region, and wherein the at

least some of the cells are identified in (d) by displaying a textual view of the at least

some of the cells in a second display region (Figure 6). Therefore it would have been

obvious to an artisan at the time of the invention to combine the method of MacLennan-

Bowers with the teaching of allClear. Motivation to do so would have been to display to

the user an easy, readable, less confusing way of viewing the flowchart.

Claims 70 and 76 are individually similar in scope to that of claim 69 and are

therefore rejected under similar rationale.

6.      Claims 16-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over

MacLennan ("MacLennan", US 5,893,105) and Bowers et al ("Bowers", US 5,546,529)

in view of Tiongson et al ("Tiongson", US 6,816,174).

As per claim 16, which is dependent on claim 1, MacLennan-Bowers fails to

distinctly point out enlarging some of the cells in the flowchart. However, Tiongson

teaches the enlargement of some of the cells (Figure 8). Therefore it would have been

obvious to an artisan at the time of the invention to combine the method of MacLennan-

Bowers with the teaching of Tiongson. Motivation to do so would have been to display

to the user an easy, readable, less confusing way of viewing the flowchart.

As per claim 17, which is dependent on claim 1, MacLennan-Bowers -Tiongson

discloses a method wherein the at least some of the cells are identified in (d) by

enlarging and aligning the at least some of the cells in the flowchart (Tiongson, Figure

5B).

As per claim 18, which is dependent on claim 1, MacLennan-Bowers -Tiongson

discloses a method wherein the at least some of the cells are identified in (d) by

enlarging and aligning the at least some of the cells in the flowchart (Tiongson, Figure

5B).


7.      Claims 12,71,77 are rejected under 35 U.S.C. 103(a) as being unpatentable over

MacLennan ("MacLennan", US 5,893,105) and Bowers et al ("Bowers", US 5,546,529)

in view of Logan, III et al ("Logan", US 6,243,857).

As per claim 12, MacLennan-Bowers fails to distinctly point out displaying a copy of the flowchart in a second display region. However, Logan teaches wherein the flowchart is displayed in a First display region, and wherein the at least some of the cells are identified in (d) by displaying a copy of the at least some of the cells is a second display region (Figure 7). Therefore it would have been obvious to an artisan at the time of the invention to combine the method of MacLennan-Bowers with the teaching of Logan. Motivation to do so would have been to display to the user a consistent way of viewing the flowchart.

As per claim 71, MacLennan-Bowers fails to distinctly point out displaying a copy of the flowchart in a second display region minus some cells. However, Logan teaches a method wherein the flowchart is displayed in a first display region, and wherein the at least some of the cells are identified to the user in (d) by displaying a copy of the at least some of the cells, but not of other cells in the flowchart, in a second display region (Column 8 lines 1-6; *showing different portions of the flowchart*). Therefore it would have been obvious to an artisan at the time of the invention to combine the method of MacLennan-Bowers with the teaching of Logan. Motivation to do so would have been to display to the user an easy, less cluttered way of viewing the flowchart.

Claim 77 is similar in scope to that of claim 71 and is therefore rejected under similar rationale.

8.      Claim 27 is rejected under 35 U.S.C. 103(a) as being unpatentable over MacLennan ("MacLennan", US 5,893,105) and Bowers et al ("Bowers", US 5,546,529) in view of Quality America ("Quality America", Flowchart/Cause & Effect Features).

As per claim 27, which is dependent on claim 1, MacLennan-Bowers fails to distinctly point displaying a textual view of cells that fan-in and fan-out. However, Quality America teaches a method further comprising displaying a textual view of cells that fan-in and fan-out of the selected cell (Figure 2) a second display region (Column 8 lines 1-6; *showing different portions of the flowchart*). Therefore it would have been obvious to an artisan at the time of the invention to combine the method of MacLennan-Bowers with the teaching of Quality America. Motivation to do so would have been to display to the user an easy, less cluttered way of viewing the flowchart.

9.     Claims 87-88 are rejected under 35 U.S.C. 103(a) as being unpatentable over allClear ("allClear", Information Disclosure Statement) and Rochford et al ("Rochford", US 6,654,803) in view of MacLennan ("MacLennan", US 5,893,105).

As per claim 87, which is dependent on claim 82, allClear-Rochford fails to disclose determining a path based on its history. However, MacLennan teaches a method comprising determining the single path based on the history of a selected cell and the history of cells above and below it, if any in succession (Column 5 lines 61-65). Therefore it would have been obvious to an artisan at the time of the invention to combine the method of allClear-Rochford with the teaching of MacLennan. Motivation to do so would have been to be able to add focus to a path that may be taken instead of all possible paths, eliminating extraneous time and effort.

As per claim 88, which is dependent on claim 82, allClear-Rochford fails to distinctly point out determining the single path. However, MacLennan teaches (i) determining which cell directly connected to the given cell was in a determined path the

last time the given cell was in a determined path; and repeating (i) with the given cell

being the cell determined in (i) (Column 5 lines 62-65). Therefore it would have been

obvious to an artisan at the time of the invention to combine the method of allClear-

Rochford with the teaching of MacLennan. Motivation to do so would have been to be

able to add focus to a path that may be taken instead of all possible paths, eliminating

extraneous time and effort.

### Response to Arguments

Applicant's arguments with respect to claims have been considered but are moot

in view of the new ground(s) of rejection.

### Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in

this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37

CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Ryan F Pitaro whose telephone number is 571-272-

4071. The examiner can normally be reached on 7:00am - 4:30pm Monday through

Thursday and on alternating Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Kristine Kincaid can be reached on 571-272-4063. The fax phone number

for the organization where this application or proceeding is assigned is 703-872-9306.

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Ryan Pitaro

Art Unit 2174
Patent Examiner

RFP

*Kristine Kincaid*

SUP~~~~
TEC~~~~~~